

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

## UNITED STATES DISTRICT COURT

for the

Western District of Tennessee



\_\_\_\_ Division

Kendarion D. Jennings

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SANTANDER CONSUMER USA

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kendarion D. Jennings
Street Address	P.o Box 3655
City and County	Memphis, Shelby county
State and Zip Code	Tennessee, 38017
Telephone Number	9017217281
E-mail Address	

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

## Defendant No. 1

Name SANTANDER CONSUMER USAJob or Title *(if known)* \_\_\_\_\_Street Address 1010 W. Mockingbird Lane, Suite 100.City and County DALLAS, DALLAS COUNTYState and Zip Code TEXAS 75247Telephone Number (888) 222-4227E-mail Address *(if known)* \_\_\_\_\_

## Defendant No. 2

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Street Address \_\_\_\_\_

City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address *(if known)* \_\_\_\_\_

## Defendant No. 3

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Street Address \_\_\_\_\_

City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address *(if known)* \_\_\_\_\_

## Defendant No. 4

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Street Address \_\_\_\_\_

City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address *(if known)* \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 USC 1635, 15 USC 1681a (d)(2)(B), 1681a(d)(2)(A)(i), 15 USC 1692(a), 15 USC 1692e(2)(A), 15 USC 1692b(5), 15 USC 1692c(b), 15 USC 1692c(a)(1), 15 USC 1692d(1), 15 USC 1692e(10), 15 USC 1692e(8), 15 USC 1692e(2)(A).

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Kendarion D. Jennings, is a citizen of the State of *(name)* TENNESSEE.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

## b. If the defendant is a corporation

The defendant, (name) SANTANDER CONSUMER USA, is incorporated under the laws of the State of (name) TEXAS, and has its principal place of business in the State of (name) TEXAS.  
 Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

I have irreparable damages involving this company. My emotional and mental health has been affected and im not sure if any amount of money would suffice.

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

## A. Where did the events giving rise to your claim(s) occur?

SANTANDER CONSUMER USA has added these adverse accounts on my consumer credit Report, after i sent a notice to rescind the transaction within the allotted federal time frame. They proceded to send this to a third party which had no dealings in this consumer credit transaction without my consent. They ignored my right to rescind and proceded to send me bills, letters threatening me with repossession and slandering my name to a third party (credit reporting agency). affidavits were sent by me that went unrebutted line for line. notice of defaults to the violations were sent to SANTANDER that also went unrebutted. Finally, I sent an Estoppel by acquiescence to resolve said account. I was still threatened with repossession. I didnt give this debt collector permission to share any information with any third party.  
~~inclusion any repossession or tow company~~

## B. What date and approximate time did the events giving rise to your claim(s) occur?

March of this is year is when they started sharing adverse information to the consumer reporting agency.15 USC 1681a (d)(2)(B) excludes any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; from being included in any consumer report.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?

*Was anyone else involved? Who else saw what happened?*

I sent SANTANDER a rescission letter 1-12-21 notraized 01-09-21 which falls under the three business days a consumer has to rescind a transaction. This rescion was ignored. SANTANDER CONSUMER USA goes on to furnish accounts on my consumer reports that are in violation of FCRA specifically 15 USC 1681a (d)(2)(B) and also 15 USC 1681a (d)(2)(A)(i). 15 USC 1681a (d)(2)(B) falls under the exclusions section it reads....any authorization or approval of a specifc extension of credit directly or indirectly by the issuer of a credit card or similar device; Each accounting they have reported falls under this federal statue, yet they have still furnished this onto my consumer report causing me harm. An affidavit of truth was sent 1-16-2020 certified mail reclept number which was not rebutted point for point within the allotted timeframe federal law allows, this action makes my affidavit stand as law in commerce. Notice of default with and oppurtunity to cure was sent out 02/22/2021 explaining the late fees that would be accessed to not rebutting a notarized affidavit. Still no response. They've also violated 15 USC 1681a (d)(2)(A)(i) and furnished information solely as to transactions or experiences between the

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**IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

MY family has been severed, also relationship with the mother of my child has also been severed. This has put a strain on my emotional and mental health causing me depression and stress. There is no amount of money that can repair a severed friendship/ relationship.

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**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

No amount of money can repair my emotional and mental health suffering this company has caused. Ive worked a job to pay for alleged debts, neglecting my own children and my own spouse causing a deterioration of a friendship and possible marriage. Ive been held hostage to alleged debts that transunion has furnished on my consumer reports. Ive been denied a plave to stay and raise my child because of transunion's faulty investigative efforts. Still to this day I can not get shelter. 250,000\$ is what is owed to me this includes late fees which I explained in my invoice attached with my affidavit of truth.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07-01-21

Signature of Plaintiff

Printed Name of Plaintiff

  
Kendarrion D. Jennings

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

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